



## In the United States Patent and Trademark Office

Applicant:	Donald J. McMichael, et al.	Docket No.:	KCX-518D (KC 17507D)
Serial No.:	10/085,417	Group:	3728
Filed:	February 28, 2002	Examiner:	Luan Kim Bui
For:	Surgical Kit for "Push" Type Percutaneous Endoscopic Gastrostomy Procedures	Our Cust. No	22827

### Terminal Disclaimer

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TECHNOLOGY CENTER 2000  
U.S. PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

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#### The Present Application

Kimberly-Clark Worldwide, Inc., doing business at 401 North Lake Street, Neenah, Wisconsin, 54956, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 10/085,417 filed on February 28, 2003 for "Surgical Kit for "Push" Type Percutaneous Endoscopic Gastrostomy Procedures."

1. Assignment of the inventor's rights in present patent application serial number 10/085,417 to Kimberly-Clark Worldwide, Inc. is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012935, Frame 0683.

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#### Commonly Assigned Patent

Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to U.S. patent application serial number 10/085,637 filed on February 28, 2002, for "Surgical Kit with Accessory Item Container."

Assignment of the Inventor's rights in U.S. patent application serial number 10/085,637 is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012936 Frame 0182.

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#### Commonly Assigned Patent

Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to U.S. patent application serial number 10/085,639 filed on February 28, 2002, for "Surgical Kit with Multiple Planer Recess Surfaces."

Assignment of the Inventor's rights in U.S. patent application serial number 10/085,639 is evidenced

by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012935, Frame 0718.

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### **Commonly Assigned Patent**

Kimberly-Clark Worldwide, Inc. is also the assignee of the entire right, title and interest in and to U.S. patent application serial number 10/085,630 filed on February 28, 2002 for "Surgical Kit for "Pull" type Percutaneous Endoscopic Gastrostomy Procedures."

Assignment of the Inventor's rights in U.S. patent application serial number 10/085,630 is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 012935, Frame 0724.

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### **Right of Assignee to Prosecute**

Kimberly-Clark Worldwide, Inc. certifies:

- (a) that the evidentiary documents have been reviewed; and
- (b) that to the best of Kimberly-Clark Worldwide, Inc.'s knowledge and belief, title of present U.S. patent application serial number 10/085,417 is in Kimberly-Clark Worldwide, Inc.

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### **Provisional Terminal Disclaimer**

Kimberly-Clark Worldwide, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 10/085,417, which would extend beyond the expiration date of the full statutory term, including any applicable term extension, defined in 35 U.S.C. 154 and 156 for any patent issuing from U.S. patent application serial numbers 10/085,637; 10/085,639; and 10/085,630.

Kimberly-Clark Worldwide, Inc. hereby agrees that any patent granted upon present U.S. patent application serial number 10/085,417 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to any patent granted upon present U.S. patent application serial numbers 10/085,637; 10/085,639; and 10/085,630. This agreement shall run with any patent granted upon present U.S. patent application serial number 10/085,417 and shall be binding upon Kimberly-Clark Worldwide, Inc., its successors and/or assigns.

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### **Exceptions to Terminal Disclaimer**

In the event that, after the filing of this Terminal Disclaimer, should any patent granted upon present U.S. patent application serial numbers 10/085,637; 10/085,639; and 10/085,630:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;

Kimberly-Clark Worldwide, Inc. specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 10/085,417 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156, including any term extensions, as applicable to any patent granted upon present U.S. patent application serial numbers 10/085,637; 10/085,639; and 10/085,630.

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**Fee**

Pursuant to 37 C.F.R. 1.321(c)(1), a fee of \$110.00 in accordance with 37 C.F.R. 1.20(d) is included. This Terminal Disclaimer is filed in duplicate.

Respectfully submitted,

KIMBERLY-CLARK WORLDWIDE, INC.

BY: William W. Letson

BY: William W. Letson, Reg. No. 42,797

TITLE: Attorney of Record

Date: March 4, 2004

CERTIFICATE OF MAILING

I, Denise Bullock, hereby certify that on March 10, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.



CERTIFICATE UNDER 37 C.F.R. §3.73(b)

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MAR 19 2004  
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Applicant: Donald J. McMichael, et al.

Application No.: 10/085,417

Filed: February 28, 2002

For: Surgical Kit for "Push" Type Percutaneous Endoscopic Gastrostomy Procedures

Kimberly-Clark Worldwide, Inc., a Delaware Corporation,

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 012935, Frame 0683, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To:

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true: and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: March 4 2004

Name: William W. Letson, Reg. No. 42,797

Title: Attorney of Record

Signature: 3/4/04